

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

PATENT

First Named Inventor: Ed MOLL

Application Serial No.: 08/835,625

Group Art Unit: John Tweel, Jr.

Filed: April 9, 1997

Examiner: 2736

Attorney Docket No.: M1043/20006

Confirmation No.: 5281

For: THOUGHT CONTROLLED SYSTEM

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Non-Compliant Appeal Brief dated March 2, 2009, and to the Board of Patent Appeals and Interferences' (BOPAI) Order Returning Undocketed Appeal to Examiner dated February 18, 2009, Applicant submits herewith an amended Appeal Brief. Although the Notification of Non-Compliant Appeal Brief identifies only the Summary of the Claimed Subject Matter to be revised and submitted, the BOPAI's Order identified that the Claims Appendix sheet, the Evidence Appendix sheet and the Related Proceedings Appendix sheet were omitted from the originally-filed Appeal Brief. Thus, to correct all of these errors, Applicant is submitting herewith an amended Appeal Brief whose Summary of the Claimed Subject Matter complies with 37 CFR §41.37(c)(1)(v) and which includes the proper Appendix sheets. Although Applicant's file copy of the originally-filed Appeal Brief did include the three Appendix sheets, upon reviewing the version available on PAIR, none of these sheets appear in the original Appeal Brief.

In particular, Applicant has revised the Summary of the Claimed Subject Matter to include specific page and line numbers and figure numbers of the originally-filed patent application for mapping all independent claims separately on appeal. The summary of independent Claims 1, 55, 67, 68, 69 and 70 has been revised to more particularly cite to page number and line of the Specification. Footnotes provided in the originally-filed brief also provide citations to the Specification by page number and line number. Furthermore, Applicant has inserted a Claims Appendix sheet, an Evidence Appendix Sheet and a Related Proceedings Appendix sheet into the Appeal Brief at the appropriate locations.

It should be noted that undersigned's firm (Customer No. 03000) actively participates in the e-office action program and has done so since approximately January 2008. During the entire week of March 2, 2009 to March 6, 2009, this Notice of Non-Compliant Appeal Brief dated March 2, 2009 for ASN 08/835,625 was never emailed by the PTO to the undersigned's firm, as shown in the attached Exhibit. It was not until August 6, 2009 that this Notice dated March 2, 2009 was downloaded from PAIR by the undersigned firm. Thus, Applicant should not be responsible for paying a five month extension of time fee. However, if the PTO deems that a five month extension of time fee is due by Applicant, the PTO is authorized to debit the undersigned's firm debit account 03-0075 for all required fees, fees under §1.17, or all required extension of time fees.

Application Serial No. 08/835,625
Attorney Docket No. M1043/20006
Response to Notification of Non-Compliant Appeal Brief Dated August 20, 2009

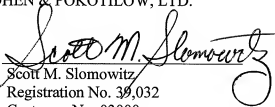
Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

August 20, 2009

Please charge or credit our
Account No. 03-0075 as necessary
to effect entry and/or ensure
consideration of this submission.

By


Scott M. Slomowitz
Registration No. 39,032
Customer No. 03000
(215) 567-2010
Attorney for Applicant

CERTIFICATE OF MAILING/TRANSMISSION PURSUANT TO 37 CFR 1.8

I hereby certify that this correspondence and any attachments referenced therein is/are being mailed/transmitted to the USPTO by: (A) first class U.S. mail with sufficient postage (37 CFR § 1.1(a)); (B) facsimile (37 CFR § 1.6(d)); or (C) EFS-Web (37 CFR § 1.6(a)(4)) on the date shown below.

Date: August 20, 2009

Signature: 

Name: _____

Scott M. Slomowitz

EXHIBIT

Outgoing Correspondence Log Received from Pair eOfficeAction@uspto.gov
for Dates March 2-6, 2009.

Jagielski, Clare

From: PAIR_eOfficeAction@uspto.gov
Sent: Monday, March 02, 2009 6:21 AM
To: Jagielski, Clare
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 3000

Mar 02, 2009 05:50:35 AM

Dear PAIR Customer:

CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOW, LTD.
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Application	Document	Mailroom Date	Attorney Docket No.
10598129	CTAV	03/02/2009	S1011/20206
10975033	CTEQ	03/02/2009	M1291/20006
	CTEQ	03/02/2009	M1291/20006
11719773	APP.FILE.REC	03/02/2009	H1089/20049
	M903	03/02/2009	H1089/20049

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Jagielski, Clare

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Mar 03, 2009 05:47:27 AM

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09914544	CTAV	03/03/2009	C1190/20009
10545493	ABN	03/03/2009	A1116/20334
11184840	CTAV	03/03/2009	V1055/20001
11622641	CTFR	03/03/2009	I1059/20004
	CTFR	03/03/2009	I1059/20004
	1449	03/03/2009	I1059/20004
11623796	CTFR	03/03/2009	I1059/20005
	CTFR	03/03/2009	I1059/20005
	1449	03/03/2009	I1059/20005
11718149	APP.FILE.REC	03/03/2009	B1180/20070
	M903	03/03/2009	B1180/20070
11754478	N570	03/03/2009	R1169/20004
	N570	03/03/2009	R1169/20004
11996742	CTNF	03/03/2009	C1290/20002
	CTNF	03/03/2009	C1290/20002
	892	03/03/2009	C1290/20002
	1449	03/03/2009	C1290/20002

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Sent: Wednesday, March 04, 2009 6:43 AM
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Cc: PAIR_eOfficeAction@uspto.gov
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Mar 04, 2009 05:54:20 AM

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11719591	APP.FILE.REC	03/04/2009	S1011/20217
	M903	03/04/2009	S1011/20217
11719618	M903	03/04/2009	B1180/20073
	APP.FILE.REC	03/04/2009	B1180/20073
12288634	APP.FILE.REC	03/04/2009	M1294/20004
	M327	03/04/2009	M1294/20004
12357445	APP.FILE.REC	03/04/2009	R1030/20006
12370966	APP.FILE.REC	03/04/2009	S1011/20243
	NTC.MISS.PRT	03/04/2009	S1011/20243

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Jagielski, Clare

From: PAIR_eOfficeAction@uspto.gov
Sent: Thursday, March 05, 2009 7:14 AM
To: Jagielski, Clare
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 3000

Mar 05, 2009 06:02:04 AM

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Application	Document	Mailroom Date	Attorney Docket No.
10333034	ISSUE.NTF	03/04/2009	B1180/20011
11119857	CTNF	03/05/2009	C1241/20779
	CTNF	03/05/2009	C1241/20779
	892	03/05/2009	C1241/20779
11317221	N570	03/05/2009	R1169/20001
	N570	03/05/2009	R1169/20001
11383568	ISSUE.NTF	03/04/2009	S1011/20201
11425904	CTFR	03/05/2009	O1044/20026
	CTFR	03/05/2009	O1044/20026
	892	03/05/2009	O1044/20026
11492160	ISSUE.NTF	03/04/2009	O1044/20027
12092699	APP.FILE.REC	03/05/2009	C1279/20003
	M903	03/05/2009	C1279/20003

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Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 3000

Mar 06, 2009 05:58:07 AM

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10598846	M905	03/06/2009	H1089/20037
11128212	N570	03/06/2009	T1142/20067
	N570	03/06/2009	T1142/20067
11570379	CTNF	03/06/2009	A1181/20006
	CTNF	03/06/2009	A1181/20006
	892	03/06/2009	A1181/20006
11720265	NTC.PUB	03/05/2009	B1180/20069
11915864	M903	03/06/2009	H1089/20061
	APP.FILE.REC	03/06/2009	H1089/20061
12193959	NTC.PUB	03/05/2009	C1241/21481
12202553	NTC.PUB	03/05/2009	R1168/20009
12280135	NTC.PUB	03/05/2009	B1180/20095

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